

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15580 of 1999

Date:19-09-2007

Between:

Bairagoni Ramulu and another
PETITIONERS

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AND

The Revenue Divisional Officer, Nalgonda and two others

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RESPONDENTS

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ORDER:

The petitioners seek a writ of certiorari after calling for the records relating to first respondent's proceedings in No.G/1229/99, dated 05.05.1999 and the consequential proceedings of the second respondent in J/445/99, dated 11.05.1999 and to quash the same.

It is the case of the petitioners that an extent of Ac.5.04 guntas in Sy.No.233 of Budharam village was assigned in favour of Bakaram Pedda Lingaiah, the father of the third respondent in the year 1964. It is stated that the petitioners have purchased an extent of Ac.3.00 guntas out of the said assigned land from the father of the third respondent about 23 years back. But, the pattadar pass books and title deeds for the entire extent of Ac.05.04 guntas was issued in favour of the third respondent. To rectify the revenue records, the petitioners have made an application before the Mandal Revenue Officer and the Mandal Revenue Officer by proceedings No.J/12663/95, dated 02.08.1995 passed an order stating that the title deeds and pass books for the entire land of Ac.05.04 guntas was wrongly issued on the basis of the wrong entries in the record of rights in the name of the third respondent though he is in possession of Ac.02.04 guntas but not Ac.05.04 guntas and accordingly the title deeds and pattadar pass books are cancelled rectifying the same for an extent of Ac.02.04 guntas in favour of the third respondent.

It is stated that the said Mandal Revenue Officer addressed a letter No.J/445/99, dated 19.04.1999 to the Revenue Divisional Officer seeking permission to review the cancellation of assignment in respect of the said land and to restore the same in favour of the third respondent. The Revenue Divisional Officer allowed the said request of the Mandal Revenue Officer by order, dated 05.05.1999.

Pursuant to the said order, dated 05.05.1999 passed by the Revenue Divisional Officer, the Mandal Revenue Officer issued proceedings, dated 11.05.1999 restoring the entire Ac.05.04 guntas of land in favour of the third respondent issuing the pattadar pass books and title deeds in his favour.

The perusal of the records goes to show that either the Mandal Revenue Officer followed the principles of natural justice or the relevant provisions under the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and the Rules made thereunder or the Revenue Divisional Officer followed any principles of natural justice. Both the authorities on their own accord passed the orders without giving any notice to either of the parties. Therefore, I am of the opinion that though the order of the Mandal Revenue Officer is unsustainable under law, but no one questioned the earlier order of the Mandal Revenue Officer, dated 02.08.1995.

Insofar as the order of the Revenue Divisional Officer, dated 05.05.1999 and the consequential order of the Mandal Revenue Officer, dated 11.05.1999, they have passed the said orders without following the principles of natural justice and accordingly both the said orders are set aside.

Accordingly, the writ petition is allowed keeping it open for the Mandal Revenue Officer to take appropriate action under the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:19.09.2007
ccm

